

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35145

STATE OF IDAHO,	)	2009 Unpublished Opinion No. 383
	)	
Plaintiff-Respondent,	)	Filed: March 12, 2009
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
CHARLES ROY CELLAN,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Cheri C. Copsey, District Judge.

Judgment of conviction and consecutive sentences of ten years determinate and ten years, with five years determinate, for two counts of domestic violence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Sarah E. Tompkins, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Chief Judge; GUTIERREZ, Judge;  
and Gratton, Judge

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PER CURIAM

While on supervised probation for misdemeanor domestic violence, Charles Roy Cellan was charged with two counts of felony domestic violence, attempted strangulation and kidnapping. Pursuant to a plea agreement, Cellan pled guilty to two counts of felony domestic violence, I.C. § 18-903, 18-918(2), and was sentenced to ten years determinate for the first count and to ten years, with five years determinate, on the second count. Cellan filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Cellan appeals from his judgment of conviction and sentences, contending that the district court abused its discretion by imposing consecutive sentences.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing consecutive sentences. Accordingly, Cellan's judgment of conviction and sentences are affirmed.